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TAGS: [PREL](#) [TSPA](#) [AG](#) [CA](#) [IN](#)

SUBJECT: SPACE COOPERATION WITH INDIA

REF: A. 08 OTTAWA 1303B. 08 ALGIERS 01068

Classified By: SCA Deputy Assistant Secretary Evan Feigenbaum
for reasons: 1.4
(B)(E).

11. This is an action request. See paragraph 6.

12. (SBU) SUMMARY: Through press reports and diplomatic exchanges, the Department is aware of Indian satellite launches tentatively scheduled for 2009 that will require a signed and implemented Technology Safeguards Agreement. Wishing to avoid misunderstanding or disruptions to that schedule, the Department asks Embassy New Delhi to encourage Indian officials to accept and implement the proposal given to Foreign Secretary Menon by Under Secretary Burns on December 2, and meet with Deputy Assistant U.S. Trade Representative for South and Central Asia Claudio Lilienfeld during his January 26 travel to India. END SUMMARY.

13. (SBU) BACKGROUND: As part of the Next Steps in Strategic Partnership launched in January 2004, the U.S. and India agreed to expand space cooperation and pave the way for U.S. satellites and components to be launched from Indian launch vehicles. The former has happened and there has been a robust and productive exchange between the National Aeronautics and Space Administration (NASA) and the Indian Space Research Organization (ISRO). However, progress on commercial activities in space has been slow and the full cooperation envisioned in the Partnership still requires implementation of a Technology Safeguards Agreement (TSA -- to ensure protection of US-origin technology launched by India) and the negotiation of a Commercial Space Launch Agreement (CSLA -- to ensure fair market principles are applied in the commercial launch market).

14. (SBU) In a nonpaper delivered by Under Secretary Burns to Foreign Secretary Menon on December 2, the U.S. outlined a way forward on both agreements. The nonpaper noted that a negotiated TSA is in place and both sides have indicated a willingness to sign it -- and we suggested a December date for signing. Also noted was the exchange of draft Commercial Space Launch Agreements -- and our eagerness to proceed with those negotiations. There have been no substantive responses to the nonpaper and interlocutors at the MEA are unsure of when ISRO will formulate a response. Delays in implementing these agreements, especially the TSA, could become a contentious issue as launches scheduled by ISRO for the upcoming year depend on implementation of the TSA.

15. (C) Through a combination of ISRO,s press releases, inquiries from other governments, and diplomatic reporting, the Department is aware of at least one upcoming launch that will require a signed and implemented TSA: the government of Algeria,s ALSAT-2 satellite scheduled for launch by India in 12009. Also, the Government of Canada is considering rescheduling launches originally intended for Russian launch vehicles -- and is considering India as a provider with fewer political liabilities. Both governments have reached out to the U.S. for an update on our space cooperation with India and how it might affect their plans. U.S. private sector actors have also reached out to USTR and other USG agencies with similar inquiries. The logistical and financial commitments associated with launching satellites are

significant, and the Department wants to avoid misunderstandings that might arise if licenses are denied and launches are canceled or delayed. END BACKGROUND.

16. (SBU) ACTION REQUEST: The Department requests that Embassy approach appropriate points of contact in the Ministry of External Affairs and the Indian Space Research Organization on to: 1) seek a response to the December 2 nonpaper given to Menon; and 2) remind the government of India that progress on the Agreements mentioned above is an important part of our overall strategic partnership and necessary for some of the activities they appear to have planned in the coming year. Post may wish to draw from the background points below.

-- The U.S. government seeks an affirmative response to the space cooperation nonpaper delivered on December 2, 2008 by Under Secretary Burns to Foreign Secretary Menon.

-- As Under Secretary Burns explained to the Foreign Secretary, the United States has said "yes" to three of four Indian proposals contained in India's nonpaper of July 18, and opened a clear pathway forward on the fourth. Papers from both sides, if implemented, would allow us to sign and implement the Technology Safeguards Agreement at the earliest possible date and proceed to negotiate a Commercial Space Launch Agreement, building on the recent exchange of texts.

-- Both these agreements are important elements of our overall strategic partnership and would benefit both our countries. We suggest moving forward quickly on the signing of the Technology Safeguards Agreement and scheduling negotiations on the Commercial Agreement.

-- The Technology Safeguards Agreement has already been negotiated and could be signed and implemented immediately, on the basis of the proposal the U.S. put forward.

-- Through the inquiries of other countries, we are aware of satellite launches notionally scheduled for the coming year that will require a Technology Safeguards Agreement to be in place. We would like to be in a position to respond positively to such applications, and to demonstrate the concrete benefits of our improved cooperation, but to do so we will need agreement on a way forward.

-- The U.S. would prefer to avoid any problems that might arise if export licenses are denied and launches are canceled or delayed. The best way to avoid these problems and move forward with the cooperation envisioned in our Strategic Partnership would be to make progress on these two agreements.

-- Deputy Assistant USTR for South and Central Asia Lilienfeld will be in New Delhi during the week of January 16. We propose that a meeting be scheduled with ISRO during his visit to help us reach a resolution on these issues.

END ACTION REQUEST
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End Cable Text